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.200 CRIMINAL COURT HEARINGS/EVALUATIONS

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.100 CIVIL COURT HEARINGS/EVALUATIONS

Anyone presumed to be mentally ill to the point which requires hospitalization may be admitted under voluntary or involuntary procedures. When possible, voluntary admission is preferred.

In accordance with § 37.1-67.01 any magistrate may, upon the sworn petition of any responsible person or upon his own motion, issue an emergency custody order (ECO) requiring any person within his judicial district who is incapable of volunteering or unwilling to volunteer for treatment to be taken into custody and transported to a convenient location to be evaluated by a person designated by the Community Services Board (CSB) who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the DMHMRSAS in order to assess the need for hospitalization. The person shall remain in custody until a temporary detention order (TDO) is issued or the person is released, but in no event shall the period of custody exceed four hours. The prescreening that is performed by the CSB staff during the ECO is billable to the person and / or all third-party carriers, except for Medicaid. However, in accordance with § 37.1-89 no fees or costs shall be recovered from the person who is the subject of the examination or his estate when no good cause for his admission exists or when the recovery would create an undue financial hardship.

In accordance with § 37.1-67.1 a magistrate may, upon sworn petition of any responsible person or upon his own motion, and only after an in-person evaluation by an employee of the local CSB or its designee, issue a temporary detention order (TDO) if it appears from all evidence readily available that the person is mentally ill and in need of hospitalization and that the person presents an imminent danger to self or others, and the person is incapable of volunteering or unwilling to volunteer for treatment. A magistrate may issue a TDO without an ECO. An employee of the local CSB or its designee shall determine the facility of temporary detention for all individuals detained. The employee of the CSB or its designee who is conducting the evaluation shall determine, prior to the issuance of the TDO, the insurance status of the person. The duration of temporary detention shall not exceed forty-eight (48) hours prior to a hearing. Services provided to the person while under a TDO are billable to all third-party carriers, except for Medicaid. In accordance with § 37.1-67.4 if there is no third-party coverage, the Department of Medical Assistance Services will process claims for payment for both Medicaid eligible and non-Medicaid eligible persons. Please refer to the Medicaid Hospital Manual for specific billing instructions.

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In accordance with § 37.1-67.3 the judge, in commencing the commitment hearing, shall inform the person whose involuntary admission is being sought of his right to apply for voluntary admission and treatment. If the person is incapable of accepting or unwilling to accept voluntary admission and treatment, the judge shall inform such person of his right to a commitment hearing and right to counsel. The commitment hearing shall be held within forty-eight (48) hours of the execution of the TDO. In accordance with § 37.1-197.7 the CSB shall not attempt to bill or collect fees for time spent participating in involuntary commitment hearings pursuant to § 37.1-67.3

Services provided to a person prior to the execution of an ECO and / or TDO and services rendered after the completion of the commitment hearing is billable to all third-party carriers, including Medicaid, and the person.

.200 CRIMINAL COURT HEARINGS/EVALUATIONS

The United State Supreme Court ruled that at any time before trial, if the court feels there is probable cause to believe the defendant's sanity will be a significant factor in his defense, the indigent criminal defendant is entitled to "psychiatric assistance" at the government's expense.

The assistance includes a clinical examination to evaluate the defendant's sanity, and where deemed necessary, to help in evaluating, preparing, and presenting a defense.

It is of the opinion of the Court that the indigent defendant is entitled to the kind of expert assistance he or she might expect from a personally retained psychiatrist or licensed clinical psychologist, while at the same time the defendant is not entitled to personally select a clinician of his or her choosing or to receive funds to employ such expert.

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VIRGINIA CODE SECTION 19.2-175
Forensic Evaluation Fee Schedule
July 1, 1990

EVALUATION:

Competency to Stand Trial	\$200
Mental Status at the Time of the Offense (MSO)	\$300
-if competency evaluation previously conducted	\$200
Mental Status at the time of the Offense and Competency to Stand Trial	\$400
Pre-sentence Evaluation	\$300
-if one pre-trial evaluation (competency or MSO) previously conducted	\$200
Pre-sentence Evaluation (Capital Cases)	\$400
-if one pre-trial evaluation (competency or MSO) previously conducted	(No limit on charges at Judges discretion)
Expert witness testimony	\$100/per day